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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,724

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Hiroshi Suzuki

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52989

7590

01/29/2009

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EXAMINER

SY, MARIANO ONG

ART UNIT

PAPER NUMBER

3657

MAIL DATE

DELIVERY MODE

01/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/588,724	Applicant(s) SUZUKI, HIROSHI	
	Examiner MARIANO SY	Art Unit 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____. |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :8/8/06; 11/6/06; 1/8/08; 7/11/08; 9/30/08.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the sectional shape" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Landry, Jr. (US 6,857,624).

Landry, Jr. disclosed an impact absorbing device comprising a cylindrical body which has stepped parts and whose diameter gradually changes in an axial direction,

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wherein said stepped parts are spirally formed (see fig. 2) around an axis of the cylindrical body; wherein said stepped parts are configured of a continuous face having an angle of inclination to said axis.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimotsu et al. (US 6,554,333) in view of Landry, Jr. '624.

Shimotsu et al. disclosed, as shown in fig. 1, an impact absorbing device comprising a cylindrical body which has stepped parts and whose diameter gradually changes in an axial direction; wherein said stepped parts are configured of a continuous face having an angle of inclination to said axis (relatively broad phrase); wherein a sectional shape of said stepped parts containing said axis is formed in a folded U-shape.

However Shimotsu et al. failed to disclose wherein said stepped parts are spirally formed around an axis of the cylindrical body.

Landry, Jr. teaches, as shown in fig. 2, stepped parts spirally formed around an axis of the cylindrical body.

It would have been obvious to one of ordinary skill in the art to provide the stepped parts of Shimotsu et al. with the known stepped parts spirally formed around an axis of the cylindrical body, as taught by Landry, Jr., as a matter of design choice to achieve the same intended function of impact absorbing.

7. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rusche et al. (US 5,549,327) in view of Landry, Jr. '624.

Rusche et al. disclosed, as shown in fig. 1-3, an impact absorbing device comprising a cylindrical body which has stepped parts and whose diameter gradually changes in an axial direction; wherein said stepped parts are configured of a continuous face having an angle of inclination to said axis.

However Rusche et al. failed to disclose wherein said stepped parts are spirally formed around an axis of the cylindrical body.

Landry, Jr. teaches, as shown in fig. 2, stepped parts spirally formed around an axis of the cylindrical body.

It would have been obvious to one of ordinary skill in the art to provide the stepped parts of Rusche et al. with the known stepped parts spirally formed around an axis of the cylindrical body, as taught by Landry, Jr., as a matter of design choice to achieve the same intended function of impact absorbing.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Henley (US 3,305,227)

Takamatsu et al. (US 3,511,345)

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Putter et al. (US 3,998,485)

Lapic (US 6,422,604)

Vidal et al. (US 6,905,136)

Glasgow et al. (US 6,942,262)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIANO SY whose telephone number is (571)272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MS/

January 22, 2009

/Robert A. Siconolfi/
Supervisory Patent Examiner, Art
Unit 3657